

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
20695C-003420US

In re Application of: Heinz Redl, et al.

Application No.: 10/749,832

Filed: 12/30/03

For: FIBRIN/FIBRINOGEN-BINDING CONJUGATE

The owner*, BAXTER INTERNATIONAL INC., of 50percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term **prior patent No.**
6,506,365 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

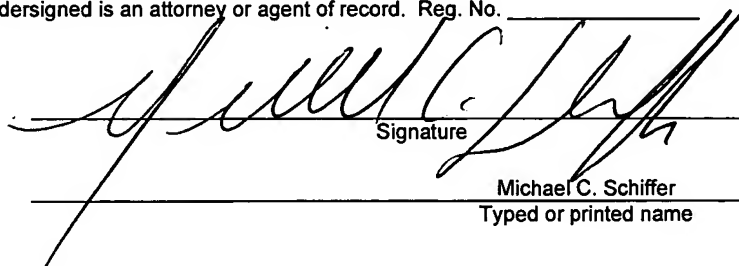
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

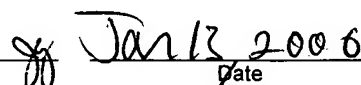
Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. _____


Signature
Michael C. Schiffer
Typed or printed name


Date

(949) 474-6405
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Heinz Redl, et al.Application No./Patent No.: 10/749,832 Filed/Issue Date: 12/30/03Entitled: FIBRIN/FIBRINOGEN-BINDING CONJUGATEBAXTER INTERNATIONAL INC., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is 50 %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012367, Frame 0489, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To : _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To : _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Michael C. Schiffer 90 Jan 13, 2006
Signature Date
Michael C. Schiffer (949) 474-6405
Printed or Typed Name Telephone Number
Additional Authorized Officer
Title

BAXTER INTERNATIONAL INC.

DESIGNATION OF AUTHORITY

WHEREAS, the Board of Directors of Baxter International Inc., a Delaware corporation (the "Corporation"), adopted an Ordinary Course of Business resolution on September 22, 1997 (the "Resolution"), a copy of which is attached hereto as Exhibit A; and

WHEREAS, pursuant to such Resolution, the Board of Directors of the Corporation authorized the Corporate Officers (as defined in the Resolution) to designate one or more Additional Authorized Officers (as defined in the Resolution) who shall possess the signing authority granted to the Corporate Officers in the Resolution, subject to the limitations set forth below.


NOW THEREFORE,

1. In accordance with the Resolution, the undersigned Corporate Officer hereby designates Michael C. Schiffer, Associate General Counsel, as an Additional Authorized Officer entitled to exercise the signing authority granted to Corporate Officers in the Resolution; provided, however, that such signing authority shall be limited solely to the subject matter specified below:

"all instruments necessary to perfect or transfer intellectual property rights, including patent applications, affidavits, licensing agreements and any other ancillary documents."

2. The Secretary or any Assistant Secretary is authorized and directed, upon request of any interested party, to certify as to the authority of the foregoing person to exercise the signing authority of a Corporate Officer pursuant to the Resolution and this Designation.
3. The Secretary or Assistant Secretary is authorized and directed to file this Designation in the minute book of the Corporation.

Dated: June 20, 2005


Name: Susan R. Lichtenstein
Title: Corporate Vice President and Corporate Secretary *JS*

BAXTER INTERNATIONAL INC.

Adopted September 22, 1997 Ordinary Course of Business Resolutions

RESOLVED, that for the purpose of specifying the officers of the Corporation authorized to sign documents on behalf of the Corporation in the ordinary course of business and to permit such officers to designate certain other persons who may exercise the signing authority granted by these resolutions, the following resolutions are hereby adopted and the resolutions of the Board of Directors adopted on May 13, 1987 with respect to the same subject matter are hereby repealed;

FURTHER RESOLVED, that the Chairman of the Board, the President, any Senior Vice President, any Vice President, the Secretary, the Treasurer or any Assistant Secretary (the "Corporate Officers") of the Corporation be, and each of them hereby is, authorized to sign, on behalf of the Corporation, any deeds, mortgages, bonds, contracts or other instruments which, in the ordinary course of business, are required to be signed by the Corporation, and the signing of which in such Corporate Officer's judgment, is in the best interests of the Corporation, and the Secretary or any Assistant Secretary is authorized to attest to such signature and affix the seal of the Corporation to such documents as may be desirable;

FURTHER RESOLVED, that such Corporate Officers are authorized, when acknowledging the signing and/or affixing of the corporate seal to any such document, to state to the notary public or any person taking such acknowledgment that the signing and/or affixing of the corporate seal was done by order of the Board of Directors of the Corporation;

FURTHER RESOLVED, that the authority herein granted to execute deeds, mortgages, bonds, contracts or other instruments on behalf of the Corporation shall be in addition to, and shall not be inclusive of, authority heretofore or hereafter granted by specific resolution of the Board of Directors of the Corporation;

FURTHER RESOLVED, that any Corporate Officer may designate one or more Vice Presidents or the Assistant/Associate General Counsel of a business unit or function of the Corporation (each an "Additional Authorized Officer") who shall possess the same power and authority delegated to the Corporate Officers in the foregoing resolutions; provided, however, that any such delegation shall be in writing; and

FURTHER RESOLVED, that the Secretary or any Assistant Secretary be, and hereby is, authorized and directed to file in the minute book of the Corporation any delegation of signing authority made pursuant to the preceding resolution.